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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,460	09/15/2003	Melvin Pardue	1201-023/ddh	2197
21034	7590	03/10/2005	EXAMINER	
IPSOLON LLP 805 SW BROADWAY, #2740 PORTLAND, OR 97205			ASHLEY, BOYER DOLINGER	
			ART UNIT	PAPER NUMBER
			3724	
DATE MAILED: 03/10/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,460

Applicant(s)

PARDUE ET AL.

Examiner

Boyer D. Ashley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/12/03; 11/18/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 7-8, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Glesser, U.S. Design Patent 421,378.

Glesser discloses a handle (see Figures 1 and 2, the right hand side of the knife) defining a forward end (the left side of the handle, forward in relation to a outward stroke of the knife) and a rearward end (the right side of the handle), the handle defines a longitudinal axis (imagine line, see Figure 1) between the forward and rearward ends. The handle having an outer surface with two-direction ridge pattern formed on the outer surface (the outside sides of the handle as shown in Figure 1), the two direction ridge pattern having a plurality of first ridges facing the rearward end (the ones on the right hand side as shown in Figure 1) and a plurality of second ridges facing the forward end (the ones on the left hand side). All of the ridges extend in a direction generally transverse to the longitudinal axis (see ridges have width portions that are generally transverse to the longitudinal axis).

As to claim 7, the neutral zone is the middle bolt-hole as shown in Figure 7.

As to claim 8, the ridges are shown as arcuate.

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3. Claims 1-12 and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Glesser, U.S. Patent 5,689,890.

Glesser discloses a handle (16) defining a forward end (the left side near the blade) and a rearward end (the right side of the handle), the handle defines a longitudinal axis (imagine line, see Figure 1) between the forward and rearward ends. The handle having an outer surface with two-direction ridge pattern formed on the outer surface (see Figures 5, 7 and 11, column 3, lines 50-65; the left and right sides of line 24), the two direction ridge pattern having a plurality of first ridges facing the rearward end (the ones on the left hand side of line 24) and a plurality of second ridges facing the forward end (the ones on the right hand side of line 24). All of the ridges extend in a direction generally transverse to the longitudinal axis (see ridges have width portions that are generally transverse to the longitudinal axis).

As to claim 2, the first ridges are located toward the forward end (the left side) of the handle and the second ridges are located toward the rearward end (the right side). It should be noted from Figure 7, the protuberances on the left are increase in height from the center to the end and therefore are facing the rear. Likewise, the protuberances on the right are increase in height from the center to the end and therefore are facing the forward.

As to claims 3-4, the device of Glesser discloses a handle plane (52), the first/second ridges comprise a plurality of ridges (as shown in Figure 5) formed into the outer surface, each of the ridges are defined at the an intersection a first sloping surface (e.g., the front face below point 56 as shown in Figure 7) and a second face surface

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(e.g., the top surfaces 50 as shown in Figure 7), wherein the second face surface defines a plane that is generally transverse to the handle plane (extends from one side to the other of the each protuberances which is transverse to the handle plane).

As to claims 5-6, the device of Glesser discloses a valley (48/50) between each ridge, wherein the first sloping surface (extends from tip point e.g. 56 to 52, on the left and right sides) extends from the valley to the ridge in the direction from the forward end toward the rearward end and from the rearward end toward the forward end depending upon the side of the protuberance.

As to claims 7 and 12, the device of Glesser discloses an embodiment with a neutral zone is the middle (line 24) as shown in Figure 11.

As to claim 8, the device of Glesser discloses an embodiment with arcuate ridges as shown in Figure 8.

As to claims 9 and 11, the device of Glesser discloses two sides to the knife with protuberances (see column 2, lines 5-20).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glesser in view of Glesser, U.S. Patent 5,983,506.

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Glesser discloses the invention substantially as claimed except that there is no showing of both sides of the handle having the ridged surface. Glesser '506 discloses that it is old and well known in the art to use to use roughen surfaces on two sides of a pocketknife (see columns 1 and 2, lines 9-15, 8-20, respectively) for the purpose of reducing slippage in multiple directions. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use ridged surfaces on both sides of the knife of Glesser in order to reduce slippage in multiple directions during use.

6. Claims 13-15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glesser.

Glesser discloses the invention substantially as claimed including a retaining clip (90) with a first end attached to the handle and a second end contacting the handle. Glesser lacks the second end of the clip contacting the handle in the neutral zone. However, it would have been an obvious matter of design choice to shorten the length of the clip such that it contacts the neutral zone (24) in order to limit the amount of interference of the clip with the gripping surface, because such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

As to claim 14, the angle between the first sloping surface and the second face is shown in Figure 7 as less than 90 degrees.

As to claim 15, the face surface defines a plane that is substantially transverse to the handle plane (see Figures 5 and 7).

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art references cited but not relied upon were cited to shown similar devices in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boyer D. Ashley whose telephone number is 571-272-4502. The examiner can normally be reached on Monday-Thursday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Boyer D. Ashley
Primary Examiner
Art Unit 3724

BDA
March 3, 2005